

PROB 12C
(7/93)

Report Date: July 10, 2006

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 10 2006

JAMES R. LARSEN, CLERK
DEPUTY
JANET KANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Glen Tyrone Patrick

Case Number: 2:97CR02009-001

Address of Offender: 6012 Rockefeller Ave., Everett, WA 98203

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 1/25/1999

Original Offense: Distribution of Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 84 Months; TSR - 48 Months
Type of Supervision: Supervised Release

Asst. U.S. Attorney: Robert A. Ellis

Date Supervision Commenced: 10/21/2003

Defense Attorney: Michael M. Lynch

Date Supervision Expires: 10/20/2007

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 3/28/2006.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

- | | |
|---|---|
| 2 | <u>Special Condition # 2:</u> You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider. |
|---|---|

Supporting Evidence: Glenn Tyrone Patrick is considered in violation of his period of supervised release by failing to complete drug treatment as directed.

On April 20, 2006, the defendant advised the Court he had a long term drug problem, and requested the chance to address his addiction through drug treatment. The Court graciously agreed to allow the defendant his request for drug treatment, and reminded him to advise the probation office where and when the treatment would occur.

On July 7, 2006, United States Probation Officer Jarod Akins advised the defendant had failed to provide him with any treatment reports. USPO Akins stated the defendant had advised in prior meetings he was attending his drug treatment through Evergreen Manor.

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US. PROBATION WA RICHLAND -> JUDGE LEAVITT

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It was further stated the defendant had failed to bring the requested documentation.

On July 10, 2006, contact was made with Evergreen Manor to confirm the defendant's participation in treatment. The staff advised the defendant was never a patient at their facility. The probation department has been unable to discuss this matter with the defendant as he has made himself unavailable for supervision since June 28, 2006.

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Special Condition #17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Glenn Tyrone Patrick is considered in violation of his period of supervised release by failing to report for random drug testing on July 6, 2006.

The defendant was scheduled for random drug testing on July 6, 2006. The defendant failed to report for the testing, and did not contact his supervising probation officer to provide a reason why he could not report.

On July 7, 2006, USPO Akins phoned the defendants residence at 7:10 a.m. and left a voice message directing him to report to the probation office by 5:00 p.m. to provide the sample. The defendant did not return the call or report to supply the sample.

As of the date of this report the defendant has failed to contact the probation department about the testings.

Respectfully submitted,

by


David L. McCary
U.S. Probation Officer

Sworn to before me,

 7/10/06
U. S. Magistrate Judge Michael W. Leavitt Date

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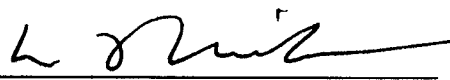
Re: Patrick, Glen Tyrone

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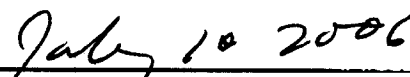
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THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
☐ Other



Signature of Judicial Officer



Date

UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF WASHINGTON
PROBATION OFFICE****SCOTT M. MORSE, SR.**CHIEF PROBATION OFFICER
U.S. COURTHOUSE
920 W Riverside, Room 540
PO BOX 306
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(509) 742-6300 / fax (509) 742-6339

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BRANCH OFFICESFEDERAL BUILDING
25 S. 3rd Street, Room 326
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YAKIMA, WA 98907-1791
(509) 574-5535 / fax (509) 574-5539FEDERAL BUILDING
825 Jadwin Ave, Suite 170
RICHLAND, WA 99352
(509) 376-7467 / fax (509) 372-2590**RECEIVED
DISTRICT JUDGE**REPLY TO Richland

JUL 10 2006

**U.S. DISTRICT COURT
WM. FREMMING NIELSEN**The Honorable Wm. Fremming Nielsen
Senior U.S. District Judge
P.O. Box 2208
Spokane, WA 99210**RE: Patrick, Glen Tyrone
Dkt. No. 2:97CR02009-001
Custody Status: Continues Under Supervision
Violation Report #2**

Dear Judge Nielsen:

Attached for the Court's review is a petition for supervised release action on the above-captioned defendant. The circumstances of the alleged noncompliant behavior are reported therein.

Compliance with Supervision Conditions:

On October 21, 2003, the defendant released to his initial period of supervised release in the Eastern District of Washington.

On June 30, 2004, a violation report requesting no action was submitted to the Court after the defendant failed to report for drug testings on eight occasions, and tested positive for cocaine on three occasions. The defendant agreed to enter into drug treatment, therefore, no action was requested.

On November 10, 2004, a violation report was submitted to the Court after the defendant failed to report for drug testings on six occasions, tested positive for cocaine on three occasions, and failed to participate in drug treatment as directed. A hearing was set for December 9, 2004.

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On December 3, 2004, a second violation report was submitted to the Court after the defendant tested positive for the presence of cocaine on three occasions. It was recommended the violations be addressed on the December 9, 2004, court date.

The defendant was able to enter into a detoxification program prior to the hearing, and the hearing was rescheduled to January 4, 2005.

On January 3, 2005, a third violation report was submitted to the Court after the defendant released from the detoxification center and failed to report for drug testing, and committed the offense of simple assault domestic violence. The violation hearing was continued to January 27, 2005.

On January 13, 2005, a fourth violation report was submitted to the Court after the defendant was charged in Benton County Superior Court with possessing cocaine. This report also alleged the defendant had failed to report for a drug assessment as directed, and had contact with a convicted felon. A warrant was issued.

On January 24, 2005, a fifth violation report was submitted to the Court after the defendant had contact with a convicted felon at the Benton County Jail. The defendant was having this individual visit him at the jail while both were charged in the same case for possessing cocaine.

On March 30, 2005, the defendant admitted to violating the conditions of supervised release, and was sentenced to serve 12 months with the Bureau of Prisons to be followed by 24 months of supervised release. The defendant released to the Western District of Washington on January 6, 2006.

On March 28, 2006, a violation report was submitted to the Court alleging the defendant had failed to comply with the conditions of his supervised release by testing positive on two occasions and failing to report on one occasion.

On April 20, 2006, a supervised release violation hearing was held in Yakima. The Court made no findings and the matter was continued to July 13, 2006.

As noted above, it is now alleged the defendant had failed to comply with the Court's order to comply with drug treatment, and he had failed to report for drug testing once again.

Offender Characteristics:

The defendants status regarding employment, drug treatment, income, and health are unknown as the defendant has made himself unavailable for supervision.

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If revoked, the following options are available for sentencing:

Original Criminal History Category: V**Grade of Violation: C****Class of Offense: Class B Felony**

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>
CUSTODY:	24 months	7-13 months
SUPERVISED RELEASE:	48 months minus custody imposed	48 months minus custody imposed

Should the Court find Mr. Patrick's positive testings for the use of marijuana and cocaine noted in the first violation report dated, March 28, 2006, constitutes possession of a controlled substance, the violation would increase to a Grade B violation. The Guideline Provisions would also increase to 18-24 months.

It is respectfully recommended that the Court incorporate the violation(s) contained in this petition in all future proceedings with the violation(s) previously reported to the Court.

Respectfully submitted,

Scott M. Morse, Sr.
Chief U. S. Probation Officer

By: David L. McCary 7/10/06
David L. McCary Date
U. S. Probation Officer

APPROVED BY:

Rebecca M. Nichols 7/10/06
Rebecca M. Nichols Date
Supervising U.S. Probation Officer

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DLM:dlm

cc: AUSA Robert A. Ellis
Fed. Def. Michael M. Lynch